

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Trustees of the
BRICKLAYERS' PENSION TRUST FUND-
METROPOLITAN AREA, *et al*,

Plaintiffs,

v

STATE WIDE CAULKING CO.,

Defendant.

Case No. 08-10662

Hon. George Caram Steeh

ORDER ADJUDGING FRANK P. PERCHA IN CONTEMPT OF COURT
AND ESTABLISHING PROCEDURE FOR ISSUANCE OF BENCH WARRANT

THIS MATTER having come on to be heard upon application of Craig E. Zucker, one of the attorneys for Plaintiffs, for order to show cause why Frank P. Percha should not be held in contempt of court for his failure to comply with this court's Amended Order for Examination of Judgment Debtor and Restraining Transfer of Certain Property Supplementary to Judgment entered on March 19, 2009 (Docket No. 55), which required, *inter alia*, the appearance of Frank P. Percha Williams for purposes of a judgment debtor examination and production of certain books and records, a hearing to show cause why this court's order for contempt should be entered having been scheduled for May 28, 2009, Frank P. Percha having received notice of hearing as appears from the Certificate of Service filed with this court (Docket No. 61), a hearing having been conducted, the court having considered oral argument, being otherwise fully advised in the premises and finding good cause for entry of this order,

NOW THEREFORE;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. Frank P. Percha is hereby adjudged in contempt of this court for his failure to comply with this court's order of March 19, 2009 by failing to appear for a judgment debtor examination and failing to produce certain books and records.

2. Frank P. Percha may purge himself of contempt by completing all of the following:

- i. Contacting Plaintiffs' counsel, Craig E. Zucker, by telephone (248/827-4100)(within five (5) business days from the date of Plaintiffs' service of this Order by first class mail as set forth in paragraph 4 below) to promptly arrange for a judgment debtor examination to be conducted at the law offices of Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Suite 444, Southfield, Michigan 48034;
- ii. Appear at said examination, and produce all books and records as set forth in the Order for Examination of Judgment Debtor (Docket No. 55); and
- iii. Paying costs in an amount to be determined by the Court upon further application by Plaintiffs subsequent to completion of the judgment debtor examination, in the form of cash or certified or cashier's check made payable to Plaintiffs, Bricklayers' Fringe Benefit Funds.

3. In the event Frank P. Percha fails to purge himself of contempt by complying with each of the provisions of paragraphs 2(i)-(iii) above, and upon the filing by Plaintiffs of an affidavit of such non-compliance, this court shall, without further application to, or hearing before, this court, issue its bench warrant for the immediate arrest of Frank P. Percha requiring bond in the amount of \$500.00 and requiring his immediate appearance before this court.

4. A copy of this Order shall be served upon Frank P. Percha by mailing the same, via first class mail, to his last known address of 1772 Majon, Highland, Michigan 48356 and service by the foregoing means shall be complete upon mailing.

DATED: May 28, 2009

s/George Caram Steeh
UNITED STATES DISTRICT JUDGE